

**2005**

**STATE OF NEBRASKA**

**STATUTES RELATING TO  
NURSING HOME ADMINISTRATORS**

NEBRASKA HEALTH AND HUMAN SERVICES SYSTEM



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## STATUTES PERTAINING TO NURSING HOMES

**71-2041. Repealed.** Laws 1972, LB 1040, §14.

**71-2041.01 to 71-2041.07. Transferred** to sections 71-6053 to 71-6059.

**71-2042. Transferred** to section 71-6067.

**71-2043. Repealed.** Laws 1973, LB 5, §2.

**71-2044. Repealed.** Laws 1980, LB 686, §11.

**71-2045. Repealed.** Laws 1972, LB 1040, §14.

**71-2045.01. Transferred** to section 71-6065.

**71-2045.02. Transferred** to section 71-2041.02.

**71-2045.03. Transferred** to section 71-6060.

**71-2045.04. Transferred** to section 71-6062.

**71-2045.05. Transferred** to section 71-6061.

**71-2045.06. Transferred** to section 71-6066.

**71-2045.07. Repealed.** Laws 1988, LB 693, §18.

**71-2045.08 and 71-2045.09. Transferred** to sections 71-6063 and 71-6064.

**71-2045.10. Transferred** to section 71-6068.

## STATUTES PERTAINING TO NURSING HOME ADMINISTRATION

**71-6053. Terms, defined.** For the purpose of sections 71-6053 to 71-6068, unless the context otherwise requires:

(1) Accredited institution means a postsecondary educational institution approved by the board;

(2) Active license means a license issued by the board to an administrator who meets the continuing competency requirements and who submits the required fee;

(3) Administrator or nursing home administrator means any individual who meets the education and training requirements of section 71-6054 and is responsible for planning, organizing, directing, and controlling the operation of a home for the aged or infirm, a nursing home, or an integrated system or who in fact performs such functions, whether or not such functions are shared by one or more other persons. Notwithstanding this subdivision or any other provision of law, the administrator of an intermediate care facility for the mentally retarded may be either a licensed nursing home administrator or a qualified mental retardation professional;

(4) Administrator-in-training means a person who is undergoing training to become a nursing home administrator and is directly supervised in a home for the aged or infirm or nursing home by a certified preceptor;

(5) Board means the Board of Examiners in Nursing Home Administration;

(6) Certified preceptor means a person who is currently licensed by the State of Nebraska as a nursing home administrator, has three years of experience as a nursing home administrator, has practiced within the last two years in a home for the aged or infirm or a nursing home, and is approved by the board to supervise an administrator-in-training or a person in a mentoring program;

(7) Core educational requirements means courses necessary for licensure as a nursing home administrator and includes courses in patient care and services, social services, financial management, administration, and rules, regulations, and standards relating to the operation of a health care facility;

(8) Degree or advanced degree means a baccalaureate, master's, or doctorate degree from an accredited institution and which includes studies in the core educational requirements;

(9) Degree or advanced degree in health care means a baccalaureate, master's, or doctorate degree from an accredited institution in health care, health care administration, or services;

(10) Department means the Department of Health and Human Services Regulation and Licensure;

(11) Home for the aged or infirm or nursing home means any institution or facility licensed as a nursing facility or a skilled nursing facility by the department pursuant to the Health Care Facility Licensure Act, whether proprietary or nonprofit, including, but not limited to, homes for the aged or infirm owned or administered by the federal or state government or an agency or political subdivision thereof;

(12) Integrated system means a health and human services organization offering different levels of licensed care or treatment on the same premises;

(13) Internship means that aspect of the educational program of the associate degree in long-term care administration which allows for practical experience in a home for the aged or infirm or nursing home and occurs under the supervision of a certified preceptor;

(14) License means permission to engage in nursing home administration which would otherwise be unlawful in this state in the absence of such permission and which is granted to individuals who meet prerequisites and qualifications that allow them to perform nursing home administration tasks and use the title nursing home administrator;

(15) Nursing degree means a degree or diploma in nursing from an accredited program of nursing approved by the Board of Nursing;

(16) Previous work experience means at least two years working full time in a nursing home or home for the aged or infirm or previous work experience in health care administration; and

(17) Previous work experience in health care administration means at least two years working full time as an administrator or director of nursing of a hospital with a long-term care unit or assisted-living facility or director of nursing in a nursing home or home for the aged or infirm.

Source: Laws 1972, LB 1040, § 1; Laws 1980, LB 686, § 1; Laws 1986, LB 921, § 8; Laws 1988, LB 693, § 2; Laws 1988, LB 1100, § 115; R.S.Supp., 1988, § 71-2041.01; Laws 1992, LB 1019, § 82; Laws 1996, LB 1044, § 754; Laws 1999, LB 411, § 1; Laws 2000, LB 819, § 135; Laws 2002, LB 1021, § 91; Laws 2002, LB 1062, § 55; Laws 2003, LB 242, § 132. Operative date July 1, 2004.

**71-6054. Nursing home administrator; license; issuance; term; disciplinary action; grounds; hearing; appeal.**

(1)(a) The board shall issue a license to an applicant who submits (i) satisfactory evidence of completion of (A) an associate degree which includes the core educational requirements and an administrator-in-training program under a certified preceptor, (B) a degree or an advanced degree and a mentoring program under a certified preceptor, (C) a nursing degree, previous work experience in health care administration, and a mentoring program under a certified preceptor, (D) a degree or an advanced degree in health care and previous work experience in health care administration, or (E) an associate degree which includes the core educational requirements, previous work experience, and a mentoring program under a certified preceptor, (ii) evidence of successful passage of the National Association of Boards of Examiners for Nursing Home Administration written examination, and (iii) his or her social security number. The board shall license administrators in accordance with sections 71-6053 to 71-6068 and standards, rules, and regulations adopted and promulgated by the board pursuant to such sections. The license shall not be transferable or assignable. Each administrator shall be responsible for and oversee the operation of only one licensed facility or one integrated system, except that an administrator may make application to the board for approval to be responsible for and oversee the operations of a maximum of three licensed facilities if such facilities are located within two hours' travel time of each other or to act in the dual role of administrator and department head but not in the dual role of administrator and director of nursing. In reviewing the application, the board may consider the proximity of the facilities and the number of licensed beds in each facility. An administrator responsible for and overseeing the operations of any integrated system is subject to disciplinary action against his or her license for any regulatory violations within each system.

(b) Notwithstanding the provisions of sections 71-6053 to 71-6068, the board shall issue a license as a nursing home administrator to an applicant who will function as the administrator of a facility caring primarily for persons with head injuries and associated disorders who submits satisfactory evidence that he or she (i) has at least two years of experience working with persons with head injuries or severe physical disabilities, at least one of which was spent in an administrative capacity, (ii) is (A) a psychologist with at least a master's degree in psychology from an accredited college or university and has specialized training or one year of experience working with persons with traumatic head injury or severe physical disability, (B) a physician licensed under the Uniform Licensing Law to practice medicine and surgery or psychiatry and has specialized training or one year of experience working with persons with traumatic head injury or severe physical disability, (C) an educator with at least a master's degree in education from an accredited college or university and has specialized training or one year of experience working with persons with traumatic head injury or severe physical disability, or (D) a certified social worker, a certified master social worker, or a licensed mental health practitioner certified or licensed under the Uniform Licensing Law and has at least three years of social work or mental health practice experience and specialized training or one or more years of experience working with persons who have experienced traumatic head injury or are severely physically disabled, and (iii) is of good moral character. The applicant shall also provide his or her social security number.

A license issued pursuant to this subdivision shall be issued without examination and without the requirement of completion of an administrator-in-training or mentoring program. Such license may be renewed without the completion of any continuing competency requirements.

2) Licenses may be denied, suspended, limited, refused renewal, or revoked by the department for due cause which shall include: (a) Fraud in procuring a license; (b) immoral, unprofessional, or dishonorable conduct; (c) habitual intoxication or addiction to the use of drugs; (d) distribution of intoxicating liquors or drugs for other than lawful purposes; (e) conviction of a felony; (f) physical or mental incapacity to perform professional duties; (g) violation of any provision of sections 71-6053 to 71-6068 or standards, rules, and regulations adopted and promulgated thereunder or of any law or standards, rules, and regulations adopted and promulgated by the department relating to the proper administration and management of a home for the aged or infirm or nursing home; (h) commission of any of the acts or offenses set forth in sections 71-147 and 71-148; and (i) failure to pay the required fees. Except in cases of failure to pay the required fees, no license shall be denied, suspended, limited, refused renewal, or revoked except after due notice and opportunity for a hearing. Disciplinary actions and proceedings shall be conducted as specified in the Uniform Licensing Law. Any denial, suspension, limitation, refusal of renewal, or revocation of such license may be appealed, and the appeal shall be in accordance with the Administrative Procedure Act. A person whose license has been revoked, suspended, or limited may petition the board for reinstatement in the manner provided by sections 71-161.04 to 71-161.06.

Source: Laws 1972, LB 1040, §6; Laws 1980, LB 686, §4; Laws 1988, LB 352, §126; R.S.1943, (1986), §71-2045.02; Laws 1988, LB 693, §3; Laws 1989, LB 344, §19; Laws 1989, LB 733, §1; R.S.Supp.,1989, §71-2041.02; Laws 1991, LB 58, §1; Laws 1991, LB 456, §38; Laws 1992, LB 1019, §83; Laws 1993, LB 669, §59; Laws 1994, LB 1223, §74; Laws 1997, LB 608, §23; Laws 1997, LB 752, §193; Laws 1999, LB 411, §2; Laws 2002, LB 1021, §92; Laws 2002, LB 1062, §56; Laws 2003, LB 242, §133; Laws 2005, LB 246, §2. Effective date September 4, 2005.

**71-6055. Administrator-in-training program; mentoring program; certified preceptor; requirements.** (1) Except as provided in subdivisions (1)(a)(i)(D) and (1)(b) of section 71-6054, in order for a person to become licensed as a nursing home administrator, he or she shall complete an administrator-in-training program or a mentoring program. The administrator-in-training program shall occur in a home for the aged or infirm or nursing home under the direct supervision of a certified preceptor, and it may be gained as an internship which is part of an approved associate degree. A mentoring program shall occur in a home for the aged or infirm or nursing home under the supervision of a certified preceptor. The certified preceptor in a mentoring program need not be at such facility during the period of such supervision but shall be available to assist with questions or problems as needed. A mentoring program may be gained as an internship which is part of a degree or advanced degree. A person in a mentoring program may apply for a provisional license as provided in section 71-6063.

(2) An applicant may begin his or her administrator-in-training or mentoring program upon application to the board with the required fee, evidence that he or she has completed at least fifty percent of the core educational requirements, and evidence of an agreement between the certified preceptor and the applicant for at least six hundred forty hours of training and experience, to be gained in not less than four months. Such training shall occur in a Nebraska-licensed home for the aged or infirm or nursing home under a certified preceptor.

(3) The certified preceptor shall submit a report to the department by the fifth day of each month for the duration of the administrator-in-training or mentoring program, describing the nature and extent of training completed to date. At the conclusion of the program, the certified preceptor shall report to the department whether the applicant has successfully completed the board's approved course for such program. With the concurrence of the certified preceptor, the applicant may remain in such program until successfully completed or may reapply to enter another administrator-in-training or mentoring program.

(4)(a) The administrator-in-training or mentoring program shall occur under the supervision of a certified preceptor. An applicant to become a certified preceptor shall (i) be currently licensed as a nursing home administrator in the State of Nebraska, (ii) have three years of experience as a nursing home administrator in the five years immediately preceding certification, and (iii) complete a preceptor training course approved by the board.

(b)(i) All preceptor certificates shall expire on December 31 of every fourth year beginning December 31, 2000. The procedures for renewal shall be in the same manner as section 71-6061. Each certified preceptor shall, in the period since his or her certificate was issued or last renewed, complete at least twelve hours of preceptor training approved by the board. Each certified preceptor shall submit evidence, on forms provided by the department, that he or she has satisfied the requirements of this subsection before his or her certificate is renewed. Such evidence shall be submitted at the time application for renewal of a certificate is made. Before acting on the application for renewal the board shall review the performance of the applicant. Such review may include consideration of survey and complaint information, student evaluations, and any other related information deemed relevant by the board. The board may deny the application for renewal upon a finding that the applicant's performance has been unsatisfactory based on such review.

(ii) When any certificate holder fails, within thirty days of the expiration of a certificate, to submit the twelve hours of preceptor training, the department shall revoke such certificate after notice and opportunity for hearing. In order for a preceptor certification to be reinstated, the applicant must meet the requirements of this subsection.

Source: Laws 1988, LB 693, § 4; Laws 1989, LB 733, § 2; R.S.Supp.,1989, § 71-2041.03; Laws 1991, LB 455, § 1; Laws 1992, LB 1019, § 84; Laws 1999, LB 411, § 3; Laws 2003, LB 242, § 134. Operative date July 1, 2004.

**71-6056. License; reciprocity.** The board may issue a license to any person who holds a current nursing home administrator license from another jurisdiction.

Source: Laws 1988, LB 693, § 5; Laws 1989, LB 733, § 3; R.S.Supp.,1989, § 71-2041.04; Laws 1991, LB 455, § 2; Laws 1992, LB 1019, § 85; Laws 1999, LB 411, § 4; Laws 2002, LB 1062, § 57. Operative date July 20, 2002.

**71-6057. License; examination.** The examination for a license shall consist of a national standardized examination. The passing score on the examination shall be determined by the board. The department shall give notice of the time and place of the examination in ample time to allow all candidates to comply with the requirements of sections 71-6053 to 71-6068. Prior to each examination the department may prepare a list of applicants who are eligible to take the examination as determined by the board.

The board may adopt and promulgate rules and regulations regarding identification and grading of machine-scored examinations. Every examination shall be passed upon in accordance with the established rules and regulations of the board, and in cases of dispute, a majority of the members of the board shall decide. After each administration of an examination, the board shall certify the grades of the applicants in the manner prescribed by the board. The board shall then issue the proper license and

make the required entry in the registry record. All question and answer papers or sheets or photostatic or other copies of such questions and answer papers or sheets connected with any examination for licensure shall be available from the testing service for a period of two years during which time such answer papers or sheets shall be open to inspection by an applicant, by the dean of his or her college, or by any other proper representative of such college as determined by rules and regulations. Any national standardized machine-graded or computer-scored examination questions or answers which are protected by security agreements, copyright provisions, or departmental or state contractual agreements for use shall be available for a period of two years upon demand, from any testing service utilized, at the discretion of the department or upon order of a court of competent jurisdiction. The board may adopt and promulgate rules and regulations to provide for the review of procedures for development and administration of examinations and to protect the security of the content of examination questions and answers. The board shall not enter into an agreement to adopt an examination from a national testing service without first obtaining from that service detailed documentation of the process of examination development and maintenance.

Source: Laws 1988, LB 693, § 6; R.S.Supp., 1988, § 71-2041.05; Laws 2002, LB 1062, § 58. Operative date July 20, 2002.

**71-6058. Application for examination.** Any person desiring to take the examination for a license shall apply to the board at least thirty days prior to examination on a form provided by the department and sworn to by the applicant. Such application shall be accompanied by the examination fee and such documents and affidavits as are necessary to show the eligibility of the candidates to take such examination. An applicant may request to take the next regularly scheduled examination any time after receiving notification of registration as an administrator-in-training or a person in a mentoring program, but the license shall not be issued until the board receives documentation of completion of the administrator-in-training or mentoring program and completion of all licensure requirements.

Source: Laws 1988, LB 693, § 7; R.S.Supp., 1988, § 71-2041.06; Laws 1992, LB 1019, § 86; Laws 1999, LB 411, § 5. Effective date August 28, 1999.

**71-6059. License; form; display.** Every license shall be in the form of a certificate under the name and seal of the department and signed by the chairperson, the vice-chairperson, the secretary of the board, and the Director of Regulation and Licensure or his or her designee. A copy of all licenses shall be retained in the department and shall be given the same number as has been assigned to the licensee in the other records of the department. Every licensed nursing home administrator shall keep such license displayed in the office or in the place where he or she practices.

Source: Laws 1988, LB 693, § 8; R.S. Supp., 1988, § 71-2041.07; Laws 1997, LB 307, § 195. Operative date July 1, 1997.

**71-6060. Administrator; license renewal; requirements; exemptions; continuing competency requirements; inactive status.** (1) Except as provided in subdivision (1)(b) of section 71-6054, each administrator holding an active license shall, on or before December 31 of each even-numbered year, complete continuing competency activities as required by the board pursuant to section 71-6067 as a prerequisite for the Nebraska licensee's next subsequent biennial license renewal. Each licensee shall document as required by the department that he or she has complied with the requirements set forth in this section during the preceding two-year period. Each licensee shall be responsible for maintaining in his or her personal files records of compliance with the continuing competency requirements. Licensees who have not complied with such requirements shall not be issued a renewal license unless exempt for any of the following reasons:

(a) The licensee served in the regular armed forces of the United States during any part of the twenty-four months immediately preceding the Nebraska license renewal date;

(b) The licensee submits proof that he or she was suffering from a serious or disabling illness or physical disability which prevented his or her compliance with the continuing competency requirements preceding the Nebraska license renewal date;

(c) The licensee was first licensed within the twenty-four months immediately preceding the Nebraska license renewal date; or

(d) The licensee did not reside in Nebraska during the twenty-four months immediately preceding the Nebraska license renewal date.

(2) An individual licensed pursuant to sections 71-6053 to 71-6068 may request to have his or her license placed on inactive status upon its expiration. The request shall be submitted to the department in writing, along with payment of the inactive status fee. The department shall notify the licensee in writing of the acceptance or denial of such request. If placed on inactive status, the license may remain in such status for an indefinite period of time. An inactive license may be placed on active status upon completion by the licensee of all continuing competency requirements in effect at the time of such request and payment of the license renewal fee then due.

(3) Providers of continuing competency activities or licensees may submit courses for review and approval by the board. Each provider or licensee applying for approval of continuing competency activities shall pay an application fee established and collected as provided in section 71-162 for each program, seminar, or course submitted for review.

Source: Laws 1972, LB 1040, § 7; Laws 1986, LB 926, § 58; Laws 1988, LB 693, § 11; R.S.Supp., 1988, § 71-2045.03; Laws 1992, LB 1019, § 87; Laws 1999, LB 411, § 6; Laws 2002, LB 1021, § 93; Laws 2002, LB 1062, § 59; Laws 2003, LB 242, § 135. Operative date July 1, 2004.

**71-6061. Administrator; license; renewal procedure.** Every administrator shall be licensed by the board. All licenses, except provisional and inactive licenses, shall be renewed in each even-numbered year. Procedures for renewal shall be in accordance with section 71-110. The fees to be paid by the applicants and licensees shall be established and collected as provided in section 71-162.

Source: Laws 1972, LB 1040, § 9; Laws 1973, LB 515, § 18; Laws 1980, LB 686, § 6; Laws 1986, LB 926, § 59; Laws 1988, LB 693, § 13; R.S.Supp., 1988, § 71-2045.05; Laws 1992, LB 1019, § 88; Laws 1994, LB 1223, § 75; Laws 1999, LB 411, § 7; Laws 2002, LB 1062, § 60; Laws 2003, LB 242, § 136. Operative date July 1, 2004.

**71-6062. Nursing home; operation; licensed administrator required.** Each home for the aged or infirm or nursing home within the state shall be operated under the supervision of an administrator duly licensed in the manner provided in sections 71-6053 to 71-6068.

Source: Laws 1972, LB 1040, § 8; Laws 1980, LB 686, § 5; Laws 1988, LB 693, § 12; R.S. Supp., 1988, § 71-2045.04.

**71-6063. Licensed administrator; removal; acting administrator; provisional license required.** (1) If there is a vacancy in the position of licensed administrator of a home for the aged or infirm or nursing home, the owner, governing body, or other appropriate authority of the home for the aged or infirm or nursing home may select a person to apply for a provisional license in nursing home administration to serve as the administrator of such facility. Such license, if issued, shall be valid for no more than one hundred eighty calendar days and may be issued to an individual not otherwise qualified for licensure as a nursing home administrator in order to maintain the daily operations of the facility and may not be renewed. The board may grant an extension not to exceed ninety days if the person seeking the provisional license is in a mentoring program.

(2) The board may issue a provisional license to an individual who has applied for a mentoring program. Such provisional license will allow the applicant to serve as administrator in the specified facility for one hundred eighty calendar days and may not be renewed. The board may grant an extension not to exceed ninety days if the person seeking the provisional license is in a mentoring program.

(3) An applicant for a provisional license under this section shall: (a) Be at least twenty-one years of age; (b) be employed on a full-time basis of not less than forty hours per week to perform the duties of the nursing home administrator; and (c) have no history of unprofessional conduct or denial or disciplinary action against a nursing home administrator license or a license to practice any other profession by any lawful licensing authority for reasons outlined in subsection (2) of section 71-6054.

Source: Laws 1972, LB 1040, § 12; Laws 1980, LB 686, § 9; R.S. 1943, (1986), § 71-2045.08; Laws 1992, LB 1019, § 89; Laws 1999, LB 411, § 8; Laws 2003, LB 242, § 137. Operative date July 1, 2004.

**71-6064. Violations; penalty.** It shall be unlawful and constitute a misdemeanor for any person to act or serve in the capacity of an administrator unless he or she is the holder of a license issued in accordance with sections 71-6053 to 71-6068. Such person shall be guilty of a Class III misdemeanor. Each day upon which such violation occurs shall constitute a separate violation.

Source: Laws 1972, LB 1040, § 13; Laws 1977, LB 39, § 165; Laws 1988, LB 693, § 15; R.S. Supp., 1988, § 71-2045.09.

**71-6065. Board of Examiners in Nursing Home Administration; created; members; appointment; terms; removal; conflicts of interest.** (1) The Board of Examiners in Nursing Home Administration is created. The board shall be under the supervision of the department and shall consist of a designated representative of the Policy Cabinet described in section 81-3009 and the following members appointed by the State Board of Health: (a) Two members who hold active licenses and are currently employed in the management, operation, or ownership of proprietary homes for the aged or infirm or nursing homes that serve the aged or infirm in Nebraska; (b) two members who hold active licenses and are currently employed in the management or operation of a nonprofit home for the aged or infirm or nursing home or hospital caring for chronically ill or infirm, aged patients; (c) one member who is a member of the faculty of a college or university located in the state who is actively engaged in a teaching program relating to business administration, social work, gerontology, or some other aspect of the administration of health care facilities; (d) one member who is a licensed physician and surgeon with a demonstrated interest in long-term care; (e) one member who is a licensed registered nurse; and (f) two members who are laypersons, at least the age of majority, residents of this state for at least five years preceding appointment, and representative of consumer viewpoints. The members of the board shall serve as members of such board until the expiration of their respective terms or until their successors have been appointed and qualified. Each appointed member who is an administrator shall be licensed pursuant to sections 71-6053 to 71-6068.

(2) The appointed members shall be appointed for terms of three years, and the terms shall be staggered so that the terms of three appointed members of the board expire each year. The term of each member shall commence on the first day of December following the expiration of the term of the member whom such person succeeds. A vacancy in any appointive position on the board shall be filled for the unexpired portion of the term by appointment by the State Board of Health in the same manner as original appointments are made. Appointed members shall serve until their successors are appointed and qualified.

(3) The State Board of Health shall have power to remove from office at any time any member of the board after a public hearing pursuant to the Administrative Procedure Act for physical or mental incapacity to carry out the duties of a board member, for continued neglect of duty, for incompetency, for acting beyond the individual member's scope of authority, for malfeasance in office, for any cause for which a license may be suspended or revoked, or for a lack of licensure.

(4) The department shall adopt and promulgate rules and regulations which establish definitions of conflicts of interest for members of the board and which establish procedures in the case such a conflict arises.

Source: Laws 1972, LB 1040, § 5; Laws 1980, LB 686, § 3; Laws 1988, LB 693, § 10; Laws 1989, LB 344, § 20; R.S.Supp.,1989, § 71-2045.01; Laws 1994, LB 1223, § 76; Laws 1996, LB 1044, § 755; Laws 1999, LB 411, § 9; Laws 2002, LB 1062, § 61. Operative date July 20, 2002.

**71-6066. Board; officers; election; per diem; expenses.** The board shall elect from its appointed members a chairperson, a vice-chairperson, and such other officers as it deems necessary. The members of the board who are not officers or employees of the State of Nebraska shall, in addition to necessary travel and lodging expenses, receive a per diem for each day actually engaged in the discharge of their duties. Traveling and lodging expenses shall be reimbursed as provided in sections 81-1174 to 81-1177. The compensation per day shall not exceed thirty dollars and shall be determined by the board. Expenses of members who are in the employ of the state shall be paid from the appropriation to their respective departments.

Source: Laws 1972, LB 1040, § 10; Laws 1973, LB 281, § 1; Laws 1973, LB 515, § 19; Laws 1980, LB 686, § 7; Laws 1981, LB 204, § 122; Laws 1986, LB 258, § 13; Laws 1988, LB 693, § 14; R.S.Supp.,1988, § 71-2045.06; Laws 1997, LB 307, § 196; Laws 2002, LB 1062, § 62. Operative date July 20, 2002.

**71-6067. Board; duties.** The board shall:

(1) Develop, impose, and enforce standards which shall be met by individuals in order to receive a license, which standards shall be designed to insure that such administrators will be individuals who are of good character and are otherwise suitable and who, by training or experience in the field of institutional administration, are qualified to serve as administrators;

(2) Develop and apply appropriate techniques, including examinations, for determining whether an individual meets such standards;

(3) Issue licenses to individuals determined, after the application of such techniques, to meet such standards and recommend to revoke or suspend licenses previously issued by the board in any case in which the individual holding any such license failed to conform to such standards;

(4) Establish and carry out procedures designed to insure that individuals licensed as administrators will, during any period that they serve as such, comply with the requirements of such standards;

(5) Adopt and promulgate rules and regulations governing continuing competency requirements and renewal and reinstatement procedures for licensure. Continuing education is sufficient to meet continuing competency requirements. Continuing competency requirements established by the board may also include, but not be limited to, one or more of the continuing competency activities listed in section 71-161.09 which a licensed individual may select as an alternative to continuing education;

(6) Adopt and promulgate rules and regulations governing administrator-in-training and mentoring programs, including, but not limited to, matters such as (a) qualifications for administrators-in-training and persons in mentoring programs, (b) qualifications and evaluation standards for certified preceptors, (c) methods of instruction and supervision, (d) methods of documentation, and (e) reporting requirements;

(7) Conduct a continuing study and investigation of homes for the aged or infirm and nursing homes and administrators of such facilities within the state with a view to the improvement of the standards imposed for the licensing of such administrators and of procedures and methods for the enforcement of such standards; and

(8) Conduct or cause to be conducted by making use of the resources available one or more courses of instruction and training sufficient to meet the requirements of sections 71-6053 to 71-6068 and make provisions for such courses and their accessibility to residents of this state unless it finds that there are a sufficient number of approved courses which are taught by others in this state. In lieu thereof, the board may approve courses taught in and outside this state as sufficient to meet the education and training requirements of such sections. For purposes of this subdivision, the board shall have the authority to receive and disburse federal funds received pursuant to section 1908(e)(1) of the federal Social Security Act, as amended.

Source: Laws 1969, c. 559, § 2, p. 2275; Laws 1972, LB 1040, § 2; Laws 1980, LB 686, § 2; Laws 1986, LB 921, § 9; Laws 1988, LB 693, § 9; R.S.Supp.,1988, § 71-2042; Laws 1992, LB 1019, § 90; Laws 1999, LB 411, § 10; Laws 2002, LB 1021, § 94. Operative date January 1, 2003.

**71-6068. Nursing home; loss of certification or license; administrator's license; hearing; when.** Whenever the Department of Health and Human Services Regulation and Licensure conducts an investigation or hearing regarding loss of medicaid or medicare certification of a nursing home or suspension or revocation of the license of a nursing home, the board may hold a hearing to determine whether there is cause to suspend, limit, revoke, or deny the license of a nursing home administrator.

Source: Laws 1980, LB 686, §10; R.S. 1943, (1986), §71-2045.10; Laws 1992, LB 1019, §91; Laws 1996, LB 1044,



§756. Operative date January 1, 1997.